



**II.**  
**VENUE AND JURISDICTION**

6. Defendant admits the allegations in Paragraph 6.
7. Defendant admits the allegations in Paragraph 7.

**III.**  
**RULE 47 STATEMENT**

8. Despite the fact that Texas Rule of Civil Procedure 47 has no application in this Court, Defendant admits that this is a breach of contract case and that Plaintiff's purported damages are within the jurisdictional limits of the Court. Defendant otherwise denies the allegations in Paragraph 8.

**IV.**  
**FACTUAL BACKGROUND**

9. Defendant admits the allegations in Paragraph 9.
10. Defendant admits the allegations in Paragraph 10.
11. Defendant admits the allegations in Paragraph 11.
12. Defendant admits the allegations in Paragraph 12.
13. Defendant admits that Plaintiff made demand and that Defendant has failed to satisfy that demand. Defendant otherwise denies the allegations in Paragraph 13.

**V.**  
**SUIT TO ENFORCE THE LEASE AND GUARANTY**

14. Defendant admits that Plaintiff has filed this lawsuit seeking the amounts first stated in the demand referenced in Paragraph 13 above. Defendant otherwise denies the allegations in Paragraph 14.

**VI.**  
**ATTORNEYS' FEES**

15. The text of Paragraph 15 does not include allegations to be admitted or denied.
16. The text of Paragraph 16 does not include allegations to be admitted or denied.

**VII.**  
**CONDITION PRECEDENT**

17. Defendant denies the allegations in Paragraph 17.

**VIII.**  
**REQUEST FOR DISCLOSURE**

18. The text of Paragraph 18 does not include allegations to be admitted or denied.

**IX.**  
**RELIEF REQUESTED**

Defendant denies that Plaintiff is entitled to all the relief requested.

**AFFIRMATIVE DEFENSES**

1. Plaintiff's claims fail in whole or in part because of its own failure to mitigate damages.

Respectfully submitted,

**CHERRY PETERSEN LANDRY ALBERT LLP**

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**ATTORNEYS FOR DEFENDANT  
AMERICAN DRIVELINE CENTERS, INC.**

**CERTIFICATE OF SERVICE**

I hereby certify that on September 15, 2014, I electronically filed the foregoing document with the Clerk of Court for the U.S. District Court, Southern District of Texas, using the CM/ECF system of the Court.

/s/ Craig A. Albert

Craig A. Albert